

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEE KNOWLIN,

Plaintiff,

v.

ORDER

08-cv-745-bbc

RICHARD RAEMISCH, Department of
Corrections Secretary; BRAD HOMPE,
Warden of Stanley Correctional Institution;
R. RICHARDSON, Security Director of
Stanley Correctional Institution;
JAMES TOTKA, Captain of Flambeau
Correctional Center; and MARK HEISE,
Director of Offender Movement and
Classification;

Defendants.

Defendants have moved for “partial” summary judgment on the ground that plaintiff failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a). In addition, they request that discovery be stayed until their motion is resolved. That request will be granted.

Plaintiff may have until April 29, 2009 to file a response to defendants’ motion. Because the facts necessary to decide the motion are limited, plaintiff need not file proposed

findings of fact or respond to defendants' proposed findings of fact. Instead, he should submit a brief and any evidence he has showing that he exhausted his administrative remedies. The court will not consider the proposed findings of fact filed by defendants.

Defendants may have until May 6, 2009 to file a reply. In their reply, they may wish to explain what they mean by "partial summary judgment." Because plaintiff's only claim is that defendants have subjected him to a substantial risk of assault by other prisoners, it is not clear what part of that claim defendants believe will remain in the event that their motion is granted.

ORDER

IT IS ORDERED that

1. Defendants' request to stay discovery pending resolution of their motion for partial summary judgment is GRANTED.
2. Plaintiff may have until April 29, 2009 to file a response to defendants' motion

for partial summary judgment; defendants may have until May 6, 2009 to file a reply.

Entered this 13th day of April, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge